

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67863 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- DAWATH District- Rohtas

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Dharmendra Singh @ Dhanji Singh, S/o Ramashray Singh, Resident of
Village- Jogadhara, P.S.-Dawath, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

16 29-01-2020

Heard learned counsels for the petitioner and the

State. However, none appears on behalf of the informant.

The petitioner, being the son of the informant is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 308, 379, 325 and 506/34 of the IPC.

The prosecution case, as per the written report of Ramashray Singh dated 17.06.2018, submitted to the Station House Officer, Dawath Police Station, is to the effect that on the same day at 9.00 A.M., the petitioner asked the informant to transfer all the lands in his favour, otherwise threatened to kill him. On protest being made, the petitioner assaulted the informant with iron rod, causing injury on his finger and left ankle.



It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner and the petitioner is ready to keep the informant with dignity and honour. It is further submitted that the mother of the petitioner, being the wife of the informant also does not support the allegation made by the informant, a supplementary affidavit to that effect has been filed.

Learned APP, however, submits that the impugned order suggests that both the injuries of the informant have been found grievous.

This Court, considering the accusation of assault by the son to his old father, issued notice to the informant. Initially, the informant chose not appear, but subsequently, when warrant of arrest was directed to be issued, the informant appeared and the matter was referred to the mediation centre, but there also, the matter could not be resolved. Subsequently, the informant stated that he is still being mistreated by the petitioner and this fact gets reflected from the order dated 06.11.2019, which reads as follows:-

“The informant, being the father of the petitioner, still complains the mistreatment by the petitioner.”

Considering the fact that none appears on behalf of the informant and the supplementary affidavit filed on behalf of



the wife of the informant, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned SDJM, Bikramganj, Rohtas at Sasaram in connection with Dawath P.S. Case No. 83 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below if the informant fails to appear before the learned Court below or if he fails to bring on record the substantial proof with regard to mistreatment by the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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